

West Springfield Supplementary Regulations

November 18, 2005

Confidentiality Policy
Governing Access And
Use Of
Telecommunications
Equipment And Records
Of The Town Of West
Springfield Contributory
Retirement Board

I. PURPOSE

The protection of confidential information, whether in paper or electronic form, is vital to the interests of the West Springfield Contributory Retirement Board (hereinafter referred to as Board); and, is an absolute custody rule and practice for its employees, trustees and fund custodians.

II. SCOPE

This policy is based on the laws of the Commonwealth of Massachusetts; and, at all times and occasions, both within the workplace and without, it is imperative that Board employees, trustees and fund custodians maintain a fine sense of propriety and an appreciation of the importance of keeping designated information confidential, even though some such information may become a matter of public record or may be reported in the media.

Board employee(s), trustees and fund custodian(s) should, also be aware that as a governmental entity, the Board adheres to the Public Records Law as found in M.G.L. Chapter 66. This law provides that any person has an absolute right of access to any public record, including the right to inspect, copy or have copies of records provided upon the payment of a reasonable fee. The law defines public records broadly and narrowly construed exemptions to this definition as set forth in M.G.L. Chapter 4, section 7 (26). The Board also adheres to PERAC Regulations 840 CMR 6:00-6:14.

III POLICY

The Board keeps electronic and paper retirement files on all its members, which at all times remain the sole and exclusive property of the Board. The Board makes available to its employees(s) and other Authorized Users, for the purpose of carrying out the Board's duties and obligations, computer equipment, which may be of a stand-alone nature or may be networked, and telecommunications services such as email, Internet searching and browsing, fax machines, and telephones, which remains under the control of its Administrator. Use of these capabilities by Board employee(s) or other Authorized Users is subject to oversight and supervision, and must conform to all applicable laws and regulations, as well as all policies and procedures governing behavior.

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All paper records are retained in secure file cabinets in its secure office located at Municipal Office Building, 26 Central Street, West Springfield, MA.

All electronic records are kept on a network server, solely devoted to the Retirement System located in server room at Municipal Office Building, 26 Central Street, West Springfield, MA. Internet service is provided through the Town of West Springfield's network with appropriate "fire walls". Board confidentiality is periodically re-enforced by upgrades and stringent standard compliance accomplished by the Town's computer Director of Information Services. Nightly back ups are performed automatically on all network servers and stored in the assessors office fire proof vault located in Municipal Office Building. Monthly back ups are preformed by Retirement Director on discs, one set is placed in office in a secured file cabinet and another set is brought home and stored in a fireproof security box.

IV. ACCESS

This policy applies to all authorized users who have statutory access and/or oversight of Board records, or others who may from time to time be authorized to use the Board's computers, electronic networks and/or telecommunications equipment, and System IT Director and staff assigned to maintain and protect Board electronic records and information.

All Authorized Users and System IT Director and staff shall execute a Confidentiality Agreement with the Board attached hereto as Appendix A.

Appendix A
Of Confidentiality Policy Governing Access and Use of Telecommunications Equipment
and Records

PLEASE READ BEFORE SIGNING

I, _____, do solemnly swear and affirm that I will fairly and impartially discharge and perform all the duties performed by me for the West Springfield Contributory Retirement Board of the Town West Springfield, and according to the best of my abilities and understanding agree to the policies, rules and regulations

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of the West Springfield Contributory Retirement Board, the Town of West Springfield, PERAC, and the Commonwealth of Massachusetts. I also understand and acknowledge the confidentiality and/or proprietary nature of its records, and will do all in my power to protect these records (and also from any unauthorized disclosure) in accordance with my responsibility. I also understand that failure to maintain confidential information may result in harm to retirees or employees of the Town of West Springfield, and may result in the Board seeking remedies in accordance with the laws of the Commonwealth, and/or may result in termination of services for the Board.

Signature: _____

Title or Board Relationship: _____

Date: _____

August 10, 2005

West Springfield
Retirement Board
Supplemental Rules &
Regulations

1. **PURPOSE:**
The purpose of these Supplemental Rules & Regulations is to more clearly define membership eligibility requirements and creditable service.
2. **DEFINITIONS:**
Unless a different meaning is defined by statute, an advisory opinion, or 840: CMR Regulations of the Public Employee Retirement Administration Commission or by a ruling of a court of competent jurisdiction, the following definitions will apply:
 - 2.1 **"Employee"**
An employee is any person hired, employed or appointed to a position within the Town of West Springfield who is regularly employed with a regular work schedule with a commensurate salary or wages.
 - 2.2 **"Full-time Employee"**
A full-time employee is an employee who regularly works at least 37 ½ hours a week.
 - 2.3 **"Part-time Employee"**
A part-time employee is an employee who regularly works at least 18 ¾ hours a week but less than full-time.

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2.4 "Seasonal Employee"

A seasonal employee is an employee whose work is determined by the retirement board to be seasonal in nature and works less than seven months in a calendar year.

2.5 "Provisional Status"

A provisional status will not affect whether or not a person hired, employed or appointed is considered an employee, if he or she meets the requirements of these rules and regulations.

3. **MEMBERSHIP REQUIREMENTS**

3.1 All full-time employees shall become members of the retirement system on the first day of employment, as required by M.G.L. Chapter 32.

3.2 A part-time employee shall become a member of the retirement system on the first day of employment.

3.3 A part-time employee, who works less than 18 3/4 hours a week, shall be ineligible to become a member of the retirement system.

3.4 The retirement board shall review and determine whether or not membership is required for all other persons who are hired, appointed or employed and do not meet any of the requirements of section 3.1 -3.3.

3.5

3.6 Self-employed persons or "contract employees" who are hired to perform specific services for a fee shall not be considered employees, within the definition, and shall be ineligible for membership in the retirement system.

3.7 A seasonal employee who works less than five months in a calendar year will be ineligible for membership in the retirement system.

3.8 The retirement board shall determine whether or not a person working for the Town of West Springfield is an employee, as defined, and is required

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to become a member of the retirement system.

4. CREDITABLE SERVICE

- 4.1 All members of the retirement system, who are full-time employees, shall receive full creditable service for such time on which regular deductions have been withheld from regular compensation. Creditable will not services exceed (*sic*) twelve months in any calendar (*sic*) year.
- 4.2 A part-time employee shall also receive full creditable service for such time on which deductions have been withheld from regular compensation, provided that compensation and hours of work are proportional to that of a full-time employee.
- 4.3 Part-time employees, including school cafeteria workers and teacher's aides or any other part-time employee, whose work schedule does not include summer months shall receive full creditable service for those months on which no deductions are made if the person returns in the fall and continues on as an employee.
- 4.4 A part-time employee, who later becomes employed full-time, shall retain full-time creditable service earned as a part-time employee.
- 4.5 Auxiliary Police Officers shall be entitled to creditable service as provided in a supplemental regulation previously adopted by the retirement board and approved December 7, 1995 by the Commissioner of Public Employee Retirement Administration.
- 4.6 A seasonal employee who is employed at least seven months in a calendar year shall be entitled to one full year of creditable service.

5. PRIOR SERVICE

- 5.1

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5.2

6. REPORTING & NOTIFICATION REQUIREMENTS

- 6.1 All persons responsible for hiring, employing or appointing a person to a position within the town must notify the retirement board, at minimum, five days before the person is put on the payroll.
- 6.2 A department head must, within 7 days, notify the retirement board when a part-time employee subsequently becomes employed on a full-time basis.
- 6.3 A department head must also notify the retirement board of any change in the employee's employment status, pay grade or address change.
- 6.4 The retirement board may require the town or a department head to furnish other information regarding an employee in order for the member to be properly classified.

June 1, 2004

Pursuant to G.L. c. 32, § 4(1)(c), the board shall grant one month of creditable service to a member if he/she has been on an approved, unpaid leave of absence for medical or family reasons. The board shall deny one month of creditable service to a member if he/she has been on an approved, unpaid leave of absence for disciplinary reasons.

October 8, 2002

Non-Membership
Creditable Service

NON-MEMBERSHIP CREDITABLE SERVICE

A member who was employed by the town of West Springfield, prior to becoming an active member of the West Springfield Retirement System, may be eligible to purchase credit for service rendered on at least a part-time basis even if he/she was not a member of the retirement system during that time.

The member must provide the Retirement Board with proof of employment along with a written statement indicating the periods during which he/she was employed on a part-time basis.

The member must provide copies of employment records including any W-2 Forms or

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payroll records indicating the regular wages earned during the period of time the member is seeking to purchase.

If, through no fault of the employee, no payroll or other records of the Town can be found, the member must provide a written statement from the employer or previous employer that includes the following:

- a) the period during which the member was employed (month/day/year to month/day/year);
- b) the title, position held and type of work performed by the employee;
- c) the rate of pay in effect during the period of employment including any increases in pay;
- d) the actual salary (if known) during the period of employment; or
- e) a reasonable estimate of the period of service as an employee and estimated regular wages earned during the period of time for which the member seeks creditable service.

The statement from an employer must be on the employer's letterhead and must be signed by the employer or department head.

A statement from a previous employer must be signed by the person attesting to the information and must be notarized.

After the Retirement Board receives the statement, the information will be reviewed to determine whether or not the member is eligible to purchase the service credit.

The cost of purchasing past service will be based on what contributions the person would have paid in retirement contributions during that period (plus interest to date).

In order to receive credit for non-membership service, the member must pay for the service before the effective date of retirement.

December 7, 1995

Creditable Service

The board voted to allow auxiliary police officers to get credit for up to 5 years of creditable service provided they later become appointed full time police officers.